

April 29, 2010

**CC Docket No. 02-6**  
***Request for Waiver***

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

Dear Ms. Dortch:

**Appellant name:** NADABURG ELEMENTARY SCHOOL DISTRICT NO 81  
**Applicant Name:** NADABURG ELEMENTARY SCHOOL DISTRICT NO 81  
**BEN:** 143018  
**486 #:** 642360, 642363, 642361  
**FRNs:** 1904857, 1905611, 1906177, 1906379, 1906058, 1905844  
**Request for Waiver:** 120 Day 486 Deadline

**Basis of Request for Waiver of Deadline:**

The Nadaburg Elementary School District respectfully requests that the FCC grant a Waiver of Deadline for certification of the Form 486, and that the Service Start Date for the three referenced Form 486s be reset to July 1, 2009 as filed. The filing deadline for these Form 486s was 120 days from July 28, 2009; or November 25, 2009.

The Form 486s were submitted online prior to the deadline, but paper certification was required. The original paper certifications were mailed on November 24, 2009, prior to the filing deadline, but were never received by the Schools and Libraries Division. The District does not have a postal receipt to document the mailing.

The reminder notification issued by USAC providing an extended deadline arrived just prior to the District's holiday break and expired during this holiday break when District staff was unavailable. It was not until staff returned from holiday break (January 7, 2010) that it was discovered that the paper certification had not arrived. At that time, a PIN had been issued in and the forms were immediately certified online. We respectfully request that the deadline for certification of the referenced Form 486s be waived, the forms themselves being filed prior to the original deadline; and that the Service Start Dates be reset to July 1, 2009. We apologize for any inconvenience this may have caused.

Thank you,

Ernest N. Nicely  
Consultant  
Enclosure: Letter of Agency

# NADABURG UNIFIED SCHOOL DISTRICT No. 81

**"Our Mandate is Excellence"**

32919 Center Street, Wittmann, Arizona 85361 Phone: (623) 388-2321 Fax: (623) 388-2915

November 9, 2009

**Nicely Done Consulting**  
3820 W Happy Valley Road  
Suite 141, #497  
Glendale, AZ 85310

## **Re: Letter of Agency For Funding Year 2009-10**

This is to confirm our participation with **Nicely Done Consulting** for the procurement of **Internet Services, Telecommunications Services (Cellular Phone, Long Distance Service, and Local Phone Service), Internal Connections, Basic Maintenance of Internal Connections and any eligible E-rate Services**. I hereby authorize **Nicely Done Consulting** to submit FCC Form 470, FCC Form 471, and other E-rate forms to the Schools and Libraries Division of the Universal Service Administrative Company on behalf of the **Nadaburg Unified School District**.

I understand that, in submitting these forms on our behalf, you are making certifications for **Nadaburg Unified School District**. By signing this Letter of Agency, I make the following certifications:

- (a) I certify that schools in our district are all schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.
- (b) I certify that our school district has secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.
- (c) I certify that our school district is covered by a technology plan(s) that is written, that covers all 12 months of the funding year, and that has been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of service. The plan(s) is written at the following level(s):
  - ☐ an individual technology plan for using the services requested in this application; and/or
  - ☒ higher-level technology plan(s) for using the services requested in this application; or
  - ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
- (d) I certify that the services the school, library or district purchases at discounts provided by 47 U.S.C. § 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500(et seq.).
- (e) I certify that our school district has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

- (f) I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
- (g) I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
- (h) I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.
- (i) I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
- (j) I certify, on behalf of the entities covered by this Letter of Agency, that any funding requests for internal connections services, except basic maintenance services, applied for in the resulting FCC Form 471 application are not in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. § 54.506(c).
- (k) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.
- (l) I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information, and belief, all information provided to Nicely Done Consulting for E-rate submission is true.

Name of

Entity Nadaburg Unified School District No. 81

Date November 9, 2009

Signature

Name:

Title:

Sara DiPasquale

Director of Business Services